

§ 76.8 Dismissal of special relief petitions.

(a) A petition for special relief may, upon request of the petitioner, be dismissed without prejudice as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the petition. A petitioner's request for the return of a petition will be regarded as a request for dismissal.

(b) Failure to prosecute a petition, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the petition.

[40 FR 12797, Mar. 21, 1975]

§ 76.9 Order to show cause; forfeiture proceeding.

(a) Upon petition by any interested person, the Commission may:

(1) Issue an order requiring a cable television operator to show cause why it should not be directed to cease and desist from violating the Commission's rules;

(2) Initiate a forfeiture proceeding against a cable television operator for violation of the Commission's Rules.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any interested person who may be directly affected if an order to show cause is issued or a forfeiture proceeding initiated. An original and two copies of the petition and all subsequent pleadings should be filed.

(c) The petition shall state fully and precisely all pertinent facts and considerations relied on to support a determination that issuance of an order to show cause or initiation of a forfeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(d) Interested persons may submit comments or oppositions to the petition within thirty (30) days after it has been filed. For good cause shown in the

petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's certificate of service, and shall contain a detailed full showing supported by affidavit, of any facts or circumstances relied on.

(e) The petitioner may file a reply to the comments or oppositions within twenty (20) days after the time for filing such comments or oppositions has ended. A reply shall be served on all persons who have filed pleadings and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. For good cause shown, the Commission may specify a shorter time for the filing of reply comments.

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

NOTE 1: After issuance of an order to show cause, the rules of procedure in title 47, part 1, subpart A, §§1.91-1.95 shall apply.

NOTE 2: Nothing in this section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however*, That show cause proceedings and forfeiture proceedings pursuant to §1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

NOTE 3: Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of §1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of §1.80(g) of the rules should be followed in a particular case must support this contention with a specific showing of the facts and considerations relied on.

[42 FR 56507, Oct. 26, 1977, as amended at 44 FR 55575, Sept. 27, 1979]

§ 76.11 Lockbox enforcement.

Any party aggrieved by the failure or refusal of a cable operator to provided a lockbox as provided for in Title VI of the Communications Act may petition

the Commission for relief in accordance with the provisions and procedures set forth in § 76.7 for petitions for special relief.

[50 FR 18661, May 2, 1985]

Subpart B—Registration Statements

§ 76.12 Registration statement required.

A system community unit shall be authorized to commence operation only after filing with the Commission the following information:

- (a) The legal name of the operator, entity identification or social security number, and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;
- (b) The assumed name (if any) used for doing business in the community;
- (c) The mail address, including ZIP code, and the telephone number to which all communications are to be directed;
- (d) The date the system provided service to 50 subscribers;
- (e) The name of the community or area served and the county in which it is located;
- (f) The television broadcast signals to be carried which previously have not been certified or registered.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat. 1064–1066, 1068, 1081–1085, 1088, 1089, as amended; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[37 FR 3278, Feb. 12, 1972, as amended at 45 FR 52154, Aug. 6, 1980; 49 FR 27154, July 2, 1984; 50 FR 40855, Oct. 7, 1985]

§ 76.14 Who may sign registration statements.

- (a) Registration statements shall be personally signed by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.
- (b) Registration statements may be signed by the operator's attorney in

case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was not signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

[43 FR 49008, Oct. 20, 1978]

§ 76.17 Public notice.

The Commission will give public notice of the filing of registration statements.

[43 FR 49008, Oct. 20, 1978]

§ 76.29 Special temporary authority.

- (a) In circumstances requiring the temporary use of community units for operations not authorized by the Commission's rules, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.
- (b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

- (1) Name and address of the applicant cable system.
- (2) Community in which the community unit is located.
- (3) Type of operation to be conducted.
- (4) Date of commencement of proposed operations.
- (5) Duration of time for which temporary authority is required.
- (6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.
- (7) A certificate of service on all interested parties.
- (c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or